

Message Text

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ACTION SCS-03

INFO OCT-01 NEA-10 ISO-00 SCA-01 L-03 EB-08 TRSE-00
JUSE-00 H-01 AID-05 CIAE-00 INR-07 NSAE-00 /039 W
-----292218Z 046950 /73
R 290855Z APR 77
FM AMEMBASSY RABAT
TO SECSTATE WASHDC 1739

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E.O. 11652: N/A
TAGS: EINV MO
SUBJECT: US CITIZEN CLAIMS AGAINST GOM FOR UNCOMPENSATED LAND
CLAIMS

REF: (A) 76 RABAT 627, (B) 10 FAM 338, (C) BACKGROUND
MEMORANDUM ON MOROCCAN LAND SEIZURES, 1/6/77

1. SINCE REF A REPORTING PROMISES AND MODEST PROGRESS
ON LAND AND OTHER PROPERTY TAKEOVERS WAS SENT FOURTEEN
MONTHS AGO, SIGNIFICANT PROGRESS HAS BEEN MADE ON
SEVERAL FRONTS. GOM HAS ADOPTED STANDARD ARBITRATION
CLAUSE FOR MILITARY CONTRACTS PROVIDING FOR HEARINGS
BEFORE ICC IN PARIS AND PROGRESS HAS BEEN MADE TOWARD
INTRODUCING PARALLEL CLAUSE IN NON-MILITARY PUBLIC
CONTRACTS; ESSO CASE HAS BEEN DEFINITELY SETTLED TO
SATISFACTION OF BOTH PARTIES; AND HOLIDAY INN DISPUTE
HAS MOVED CLOSER TOWARD SETTLEMENT.

2. THE LEAST TRACTABLE UNRESOLVED ISSUE IS MOROCCAN
COMPENSATION FOR INDIVIDUAL AMERICAN LAND CLAIMS. WHILE
AWARE OF US REQUIREMENT TO EXHAUST PRIVATE CHANNELS AS
PER 10 FAM 338.1 (B), GOM CONTINUES TO ADVOCATE GOVERNMENT-
TO-GOVERNMENT NEGOTIATIONS, THE METHOD IT IS USING WITH
OTHER NATIONS. FAILING THIS, IT HAS PREFERRED TO POSTPONE
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DISCUSSIONS WITH INDIVIDUAL US CLAIMANTS UNTIL AFTER
COMPLETION OF GOVERNMENT-TO-GOVERNMENT SETTLEMENTS WITH
OTHER COUNTRIES. (GOM ARGUES THAT INDIVIDUAL AMERICANS
MIGHT RECEIVE A BETTER DEAL AFTER ALL THE GOVERNMENT-TO-
GOVERNMENT SETTLEMENTS HAD BEEN REACHED, AND THAT
INDIVIDUAL NEGOTIATIONS BEFOREHAND COULD COMPLICATE
ONGOING GOVERNMENT-TO-GOVERNMENT TALKS.) THE GOM,

MEANWHILE, PROJECTS SETTLEMENT OF INDIVIDUAL US CLAIMS BY END OF THE YEAR IF CLAIMANTS PERSIST IN SEEKING INDIVIDUAL SETTLEMENTS (BUT SEE 76 RABAT 627 FOR EARLIER MISSED DEADLINES).

3. UNDER SECRETARY HABIB RAISED LAND CLAIMS BRIEFLY WITH PRIME MINISTER OSMAN AND FOREIGN MINISTER LARAKI IN MARRAKECH ON APRIL 15. THE TWO MOROCCANS (WHO SEEM TO HAVE BEEN POORLY BRIEFED ON COMPLEXITIES OF US LEGAL REQUIREMENTS) SAID GOM COULD NOT DEAL WITH INDIVIDUALS, BUT SUGGESTED THAT EMBASSY ECONOMIC COUNSELOR OBTAIN POWER OF ATTORNEY FROM INDIVIDUAL CLAIMANTS AND NEGOTIATE ON THEIR BEHALF WITH FOREIGN MINISTRY, PREDICTING THAT AGREEMENT COULD BE REACHED QUOTE WITHIN TWENTY-FOUR HOURS UNQUOTE USING THIS PROCEDURE.

4. IN FOLLOW-UP DISCUSSION BY EMBOFFS WITH MFA DIRECTOR OF AMERICAN AND EUROPEAN AFFAIRS BELKORA, THE MFA ACTION OFFICER FOR LAND CASES, BELKORA STATED HE HAD RECEIVED NO READOUT ON THE APRIL 15 CONVERSATION. BELKORA RECOGNIZED IMPOSSIBILITY OF POWER-OF-ATTORNEY PROPOSAL, BUT REITERATED GOM'S STRONG PREFERENCE FOR GOVERNMENT-TO-GOVERNMENT NEGOTIATIONS. HOWEVER, WHEN REMINDED OF REQUIRED PROCEDURES PRIOR TO US GOVERNMENT ESPOUSAL--INVOLVING DECISION BY SECRETARY OF STATE THAT FURTHER PURSUIT OF FUTILE UNQUOTE--BELKORA INDICATED CONTINUING MOROCCAN WILLINGNESS TO SETTLE ON AN INDIVIDUAL BASIS AND DENIED STRONGLY ANY QUOTE DENIAL OF JUSTICE UNQUOTE IN PROCEEDINGS THUS FAR. HE NOTED THAT A NUMBER OF COUNTRY-LIMITED OFFICIAL USE

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TO-COUNTRY SETTLEMENTS HAD ALREADY BEEN EACHED, WITH OTHERS IN VARIOUS STAGES OF NEGOTIATION. (IN FACT, ONLY FRENCH, BELGIANS AND GREEKS HAVE SIGNED; AS MATTERS NOW STAND, SWISS, BRITISH, GERMAN, ITALIAN AND SPANISH AGREEMENTS REMAIN TO BE SIGNED BEFORE TALKS WITH U.S. CLAIMANTS COULD BEGIN.) BELKORA AGAIN PREDICTED THAT US CLAIMS COULD BE SETTLED BEFORE END OF YEAR. ASKED ONCE AGAIN WHETHER INDIVIDUAL CLAIMANTS COULD BE RECEIVED, IF THEY DESIRED, BY THEGOM BEFORE COMPLETION OF ONGOING GOVERNMENT-TO-GOVERNMENT TALKS WITH OTHER COUNTRIES, BELKORA REPLIED THAT THIS ISSUE HAD BEEN SUBMITTED TO THE PRIME MINISTER SOME MONTHS EARLIER, BUT THAT NO DECISION HAD BEEN TAKEN. BELKORA UNDERTOOK TO REVIEW THE OVERALL GOM POSITION IN LIGHT OF OUR PROBLEMS WITH ESPOUSAL, AND TOBRING THE MATTER TO THE ATTENTION OF HIS SUPERIORS AGAIN.

5. LATER SAME DAY MFA SECRETARY OF STATE AHMED CHERKAOUI TOLD EMBOFF GOM WOULD FOCUS CLOSELY ON LAND PROBLEM

AND SEND ADIPLOMATIC NOTE SETTING FORTH GOM VIEWS.
CHERKAOUI REFLECTED AWARENESS THAT FAILURE TO SETTLE
PROMPTLY WOULD POSE COMPLCATIONS IN TERMS OF CONGRESSIONAL
REQUIREMENTS AND OURNEED TO JUSTIFY TRADE AND AID PROGRAMS.
HE ALSO ACKNOWLEDGED NEED FOR TIMELY SIGNS OF MOVEMENT
TOWARD A SOLUTION.

6. WITH FOREIGN MINISTRY POSSIBLY NOW COMING TOGRIPS
WITH LAND PROBLEM, WE SHALL CONTINUE TO PRESS HERE. AT
THE SAME TIME, HOWEVER, WE BELIEVE DEPT SHOULD ALSO
IMPRESS UPON MOROCCAN CHARGE IN WASHINGTON OUR
CONTINUING SERIOUS INTEREST IN A PROMPT SETTLEMENT. WE
ARE UNAWARE OF ANY RECENT DISCUSSIONS ON THIS SUBJECT
IN WASHINGTON.
ANDERSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMPENSATION, LAND OWNERS, LAND NATIONALIZATION
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977RABAT02323
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770151-0060
Format: TEL
From: RABAT
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t1977044/aaaaacxy.tel
Line Count: 130
Litigation Code IDs:
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Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 RABAT 627
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 17-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2754637
Secure: OPEN
Status: NATIVE
Subject: US CITIZEN CLAIMS AGAINST GOM FOR UNCOMPENSATED LAND CLAIMS
TAGS: EINV, MO, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/7e9d2aa2-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009